

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**July 8, 2009**

The meeting was called to order at 4:01 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Harold Woodruff, Jack Matheson, Terri Mills, and Phil Conder

**ABSENT:**

Brent Fuller, Mary Jayne Davis, and Joe Garcia

**WEST VALLEY CITY PLANNING DIVISION STAFF**

John Janson, Steve Lehman, Jody Knapp, and Nichole Camac

**WEST VALLEY ADMINISTRATIVE STAFF:**

Claire Gillmor, Assistant City Attorney

**AUDIENCE**

Approximately nine (9) people were in the audience

## **ZONE TEXT CHANGE APPLICATION**

### **ZT-4-2009**

#### **West Valley City**

#### **Amending Section 7-6-305(6) which addresses the placement and setbacks of accessory buildings in the R-1 Zones.**

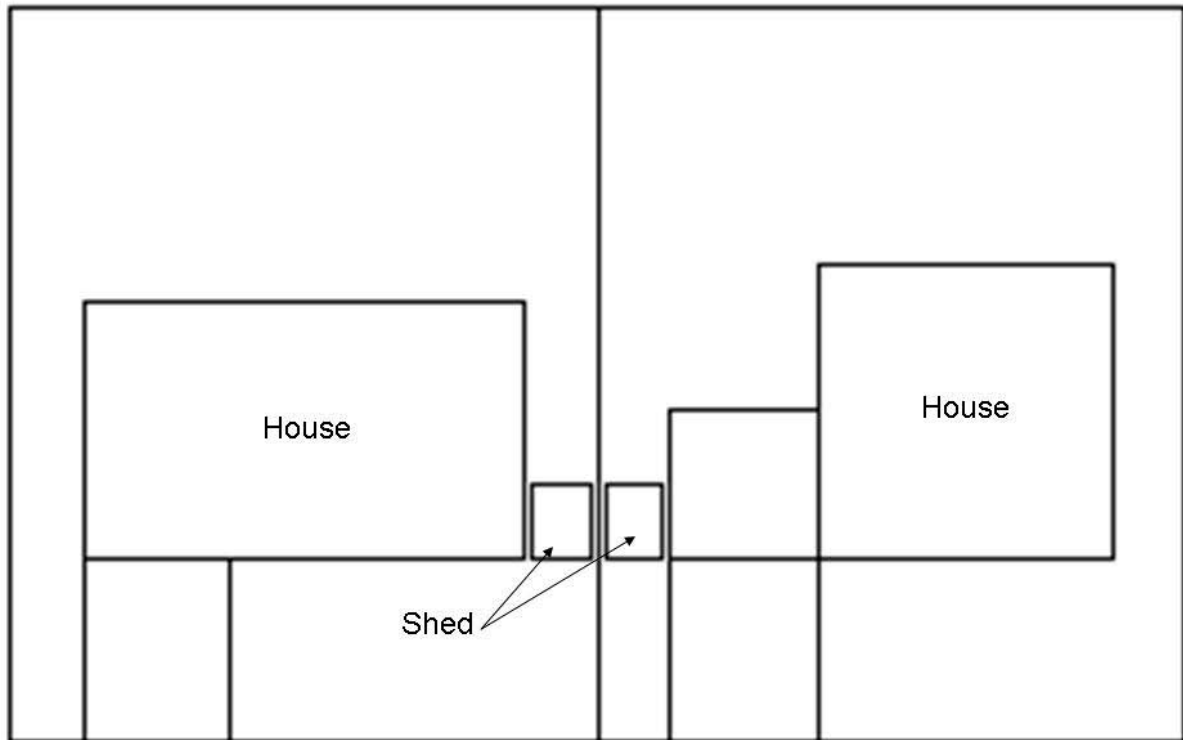
City staff is proposing an amendment to Section 7-6-305(6) of the Zoning Ordinance which regulates the placement and setbacks of accessory buildings in the R-1 Zones. The definition of an accessory building is “a detached building clearly incidental to and located upon the same lot occupied by a primary building and subordinate in height and area to the primary building, but can be at least 14 feet in height.

Toward the end of 2008, the City began proactive code enforcement in certain neighborhoods including building code violations. As a result of these enforcement efforts, many properties were found with accessory buildings (mostly sheds) placed in side yards that did not meet the side yard setbacks. The City Council received several complaints from residents about the setback requirements and the costs associated with having to move sheds. After a review of the issues with staff, the City Council directed staff to prepare an ordinance revision that would allow a shed to be placed on one side of a lot and that would include appropriate limitations on these sheds.

The proposed ordinance, which is attached, would allow a shed in one side yard with requirements for setbacks, limitations on size and height, material requirements, and placement restrictions. Below are a couple of photos of 8' x 10' sheds from shed manufacturers that have 6' doors and would meet the 8' height limitation.



The basic question here is whether or not the minimum side yard setback should be free from any structures. If this ordinance is adopted, the drawing below illustrates what could potentially happen. It is possible that you could have a house, 1', a shed, 2', a shed, 1', and another house.



**Staff Alternatives:**

1. Approval of the ordinance to allow more flexibility for accessory buildings.
2. Continuance, for reasons determined at the public hearing.
3. Denial, the City should continue to enforce the current ordinance.

**Applicant:**

West Valley City

**Discussion:** John Janson presented the application. Harold Woodruff questioned whether an 80 square foot shed requires a building permit in the current ordinance. John replied that only sheds greater than 120 square feet currently require a building permit. Phil Conder asked if there is an ordinance that addresses the storage of loose items like lawn mowers, spare boards, etc in the side yard. Claire Gillmor replied that this restriction is not in the zoning ordinance but there are regulations that prohibit that type of storage. Terri Mills questioned whether the 8 foot height restriction is measured to the highest point on the roof of the accessory building. John replied that the height is actually measured from the midpoint of the slope. He added that people are allowed to stack wood in a formal manner in the side yard but wood scattered

around or the storage of other items falls under the solid waste section of the ordinance.

Terri Mills stated that homes differ in age throughout West Valley City and some of the older homes may need to be treated differently in respect to detached accessory buildings. John indicated that there are currently reductions to 4 feet on side yard requirements for older homes. Jack Matheson questioned if fencing can be a solution to ensuring side yard sheds are not as obtrusive. John agreed that a well constructed fence could mitigate some of the visual issues. Commissioner Matheson commented that the existing ordinance may be functioning just fine as it is. He added that he wants the City to get away from lean-to's on the sides of homes and the one foot separation requirement helps with this.

Commissioner Mills stated that she has less concern for aesthetics and more concern for proper separation between homes to allow for easements and comfort for neighbors. She added that the original ordinance that restricts side yard sheds was serving a purpose in this regard as well as for fire safety. Commissioner Matheson stated that he doesn't feel there is a problem with two sheds built side by side on two separate properties. He asked if there is a 1 foot separation requirement in the backyard. John confirmed this and added that no changes are being proposed to backyard shed requirements. Phil Conder stated that if the issue is aesthetics, a fence in front of a shed should solve that problem. He asked if putting a fence there could turn the side yard into a backyard. Commissioner Matheson replied that he believes it would. John indicated that placing a fence in a side yard would not change the definition of a side yard. Harold Woodruff stated that the ordinance meets the issues now. Commissioner Matheson agreed. Commissioner Conder stated that he feels he doesn't know the existing ordinance well enough to determine which would be most effective.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Mills moved for continuance to allow the Planning Commission time to further investigate the current ordinance and how it applies to residents.

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous-ZT-4-2009– Continued**

**ZT-5-2009**  
**Private Clubs**  
**West Valley City**

This is a proposed amendment to Title 7 of the West Valley City Municipal Code to reflect the changes in state law made by the State Legislature during the 2009 Legislative Session regarding Private Clubs.

The changes include the elimination of private clubs and membership requirements in favor of the following four different types of club licenses:

- Dining Clubs – Maintain at least 50% of their club business from the sale of food, have a portion of the premises used for a dining area, and adequate culinary facilities to serve full meals.
- Equity Clubs - Such as country clubs
- Fraternal Club – Mutual benefit association that is organized under a lodge system such as a fraternal or patriotic club.
- Social Club – Any other club that does not qualify as an equity, fraternal or dining club, such a social drinking club that does less than 50% of its business from the sale of food.

Membership requirements are only applicable to equity and fraternal clubs. Dining and social clubs are open to the public but the club licensee may choose to restrict access to only those who are on the list and/or pay a fee.

Club Licenses would not be permitted in a C-1 zone, would be a conditional use in a C-2 and C-3 zone, and a permitted use in an M Zone.

Legislative changes were not made to the number of club licenses permitted by the State (1/7850 people) or to any of the beer or tavern licenses.

A copy of the proposed text has been attached for your review.

**Staff Alternatives:**

Approval, subject to the resolution of any issues raised at the public hearing.

Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**  
West Valley City

**Discussion:** Jody Knapp presented the application. Terri Mills asked if a tavern is an example of a social club. Jody replied that taverns only sell beer and a social club has no restriction on the type of alcohol sold. Jack Matheson asked if there are any taverns in West Valley City. Jody replied that they are prohibited.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Matheson moved for approval.

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous -ZT-5-2009– Approved**

**SUBDIVISION APPLICATION**

**S-7-2009**

**Honeywell Electronic Materials Subdivision - Amended  
4645 West 2100 South  
M Zone**

**BACKGROUND**

RB&G Engineering, representing the property owner, is requesting an amendment to the Honeywell Electronic Materials Subdivision. The subdivision is located in the manufacturing zone adjacent to 2100 South at 4645 West.

The original subdivision was recorded in 2008. It was anticipated that lots 1 and 3 would gain access from 2100 South and from a private road to the west. Lot 2 would gain access via a flag design from 2100 South. The subdivision was processed as a formal plat due to service requirements of Granger Hunter Improvement District.

Following the recordation of the original plat, GHID has stated that they will no longer require fee simple property for improvement services to lot 2. For this reason, Honeywell and C.R. England desire to eliminate the stem portion of the flag lot. Access and utility easements have been placed on the plat that will protect both property owners.

**RECOMMENDATION**

1. Approve the amended Honeywell Electronic Materials Subdivision subject to a resolution of staff and agency concerns.
2. Continue the application in order to address concerns raised during the public hearing.

**Applicant:**

Katie Doyle  
1435 W. 820 N.  
Provo, UT

**Discussion:** Steve Lehman presented the application. Jack Matheson questioned if water was being provided from 2100 South. The applicant, Katie Doyle, replied yes.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Conder moved for approval subject to the resolution of staff and agency concerns.

Commissioner Matheson seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous-S-7-2009-Approved**

**CONDITIONAL USE APPLICATIONS:**

**C-17-2009**

**Apple Blossom Mini Mall (Jerry Talbot)**

**3950 South Redwood Road**

**C-2 Zone (.80 Acres)**

The applicant, Jerry Talbot, is requesting a conditional use permit for a mini mall. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates mixed uses for this area. The surrounding zones include C-2/A to the north (Lambert Floral), RM to the south (Scottsdale Apartments) and C-2 across Redwood Road.

Mr. Talbot is proposing to utilize a 10,400 square existing building for a mini mall/shopping center. Spaces will be delineated along the interior of the facility for different vendors to sell their merchandise. Mr. Talbot has indicated that all of the merchandise sold will be new. There will also be approximately 600 square feet of the space used for a food court/snack bar, which will not include any fixed seating. The hours of operation will be approximately 10:00 a.m. – 7:00 p.m., Monday – Sunday.

Parking for this facility is calculated at 1 space per 250 square feet of gross floor area for the retail and 1 space per 100 square feet for the food court. Therefore, 46 spaces are required for this use. There are 41 spaces on site and staff feels like this is adequate for this use especially since the food court area will not have fixed seats and will not operate as a typical restaurant.

Furthermore, this building was previously used as a roller rink and then a reception center which both require more parking than retail uses.

There is an existing monument sign on site that shall be utilized by the tenants and any wall signs that may be added would be required to meet the West Valley City Sign standards.

**Staff Alternatives:**

**Approval**, subject to any conditions raised during the hearing as well as the following:

1. All merchandise to be sold shall be new merchandise.
2. This use shall meet the requirements of all effected agencies including the occupancy requirements set forth by the West Valley City Fire and Building Inspection Departments.
3. All signage shall meet the requirements set forth in the West Valley City Sign Ordinance.
4. This use is subject to review upon a valid complaint.

**Continuance**, to allow for the resolutions of any issues raised at the public hearing.

**Applicant:**

Jerry Talbot  
3950 S. Redwood Rd.  
West Valley City, UT

**Discussion:** Jody Knapp presented the application. Phil Conder asked the applicant what his definition of the term “new merchandise” is. Jerry Talbot, the applicant, replied that everything is newly manufactured and won’t come from a swap meet or yard sale. Jack Matheson asked if there will be any separation walls inside to divide the different businesses. Mr. Talbot indicated that there will be rails that will provide a classy separation that will allow people to see the various types of stores as they walk in. He added that there will be a lot of businesses that have different ethnic themes. Terri Mills asked if there is lighting for the parking lot. Mr. Talbot replied yes. He also stated that he has purchased the right of way on the other side of the building so the property is close to an acre in size now.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Mills moved for approval subject to the four conditions listed by staff and modifying item one to state: All merchandise to be sold shall be new, not used.

Commissioner Conder seconded the motion.



**Roll call vote:**

Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous -C-17-2009– Approved**

Chairman Woodruff called for a motion to re-open the hearing at the applicant's request.

**Motion:** Commissioner Conder moved to re-open the hearing.

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous -C-17-2009– Hearing Re-Opened**

**Discussion:** Mr. Talbot expressed concern about the requirement that no used merchandise can be sold because he would like the possibility of an antique store for the mini mall in the future. Phil Conder questioned what an antique is defined as because someone may feel that their garage sale items are priceless as well. Terri Mills agreed but added that she sees the conflict for the applicant as she appreciates and enjoys shopping for antiques as well. Claire Gillmor indicated that the Code does not define antiques and she would recommend the Planning Commission continue this application to clarify this problem. Commissioner Conder stated that the application could possibly be approved as is but if an antique store comes in the applicant could come back for an amendment to this conditional use. Harold Woodruff suggested that a limit can be set for a certain percent of used items allowed.

Chairman Woodruff called for a third motion.

**Motion:** Commissioner Conder moved for approval subject to the four conditions listed by staff and modifying item one to state: 90% of merchandise to be sold shall be new, not used and up to 10% can be antiques, artwork, or collectibles.

Commissioner Matheson seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes

Chairman Woodruff

Yes

**Unanimous -C-17-2009– Approved**

**C-18-2009**

**Marty Reese – Dance Club/Concert Hall  
1784 West 2300 South  
M Zone (1.02 Acres)**

The applicant, Marty Reese, is requesting a conditional use permit for dance club/concert hall. The zoning for this area is M, Manufacturing. The West Valley City General Plan anticipates Light Industrial uses for this area. The surrounding zones are M and the surrounding uses include office/warehouses.

Mr. Reese is proposing to utilize a 3,500 square existing building for dances, private parties and to host live music events. The primary purpose of this facility is to host events for all ages. Therefore, Mr. Reese is not applying for any type of alcohol/liquor license. They would however like the ability to rent out the facility to private parties, which may or may not bring in alcohol during a catered event. These events would not be open to the general public and would only be attended by people on an invitation only basis.

Parking is typically a concern for this type of use and one parking space per 50 square feet is the minimum required. This proposal is approximately 3,500 square feet, which would require 70 parking spaces. There are approximately 25 spaces on site, however the back parking area opens into a larger shared parking area behind several adjacent properties. The facility will operate from 5 p.m. – Midnight and most of the businesses in the area are closed so there will be plenty of parking available. The applicant has indicated that there is a recorded parking agreement allowing him to use these spaces. This agreement must be recorded with Salt Lake County and a copy of the agreement must be submitted for our files.

The West Valley City Fire and Building Inspection Departments will review the facilities to determine the maximum occupancy allowed in the building. The initial review determined that the maximum occupancy would be set at 193. However Mr. Reese has since reorganized the space and the restrooms so the occupancy will most likely end up around 300 people.

This facility is in a Manufacturing zone and is not adjacent to any residential uses. Therefore the hours of operation will not be restricted per section 7-6-102 of the West Valley City Municipal Code.

Signage has not been submitted at this time. The applicant has indicated they will not have a monument sign on the property but they may have a wall sign in the future. Any wall signs would be required to meet the West Valley City Sign standards.

**Staff Alternatives:**

**Approval,** subject to any conditions raised during the hearing as well as the following:

1. This facility shall be permitted to host dances, private parties and live music events. Alcohol is not permitted at any event unless it is a private party where guests attend by invitation only and the event shall not be open to the general public.
2. This use shall meet the requirements of all effected agencies including the occupancy requirements set forth by the West Valley City Fire and Building Inspection Departments.
3. The parking for this use must be located in properly designated parking areas and must be located on asphalt or concrete as approved by West Valley City.
4. Any shared parking must meet the standards set forth in 7-9-106 of the West Valley City Code, including a recorded shared parking agreement for the parking spaces on adjoining properties.
5. All signage shall meet the requirements set forth in the West Valley City Sign Ordinance.
6. This use is subject to review upon a valid complaint.

**Continuance,** to allow time for the applicant to resolve any issues raised at the public hearing.

**Applicant:**

Marty Reese  
8592 Mt Majestic Rd.  
Salt Lake City, UT

**Opposed:**

Michael Teuscher  
1775 W. 2300 S.  
West Valley, UT

**Opposed:**

William Walpole  
1775 W. 2300  
West Valley, UT

**Opposed:**

Bill Apgood  
1775 W. 2300 S.  
West Valley, UT

**Discussion:** Jody Knapp presented the application. Terri Mills requested that Jody clarify what a private party would be and how that differs from a reception center. Jody replied that all requirements are the same, they are simply defined a little differently in the ordinance. She reminded the Planning Commission that the applicant's primary intent is not to function as a reception center- they just want the private party option to occasionally rent the unit out. Terri Mills asked if the ordinance allows reception centers in 'M' zones. Jody replied yes. Jack Matheson asked if there are any requirements for public safety. Jody indicated that this is not a requirement by ordinance but the Police Department does occasionally review and determine if enforcement is needed at events. She added that the applicant must meet

the requirements of all agencies which include the Police Department and the Salt Lake Valley noise enforcement restrictions. Jack Matheson asked if Police Officers that have to attend an event get paid for off duty services. Jody replied yes and added that there is some sort of private security contract involved as well.

The applicant, Marty Reese, indicated that he already has bonded security hired and set up for the site. He stated that the purpose of this business is to provide a fair and safe environment for people of all ages. Phil Conder questioned what the expected demographic of the clientele will be. Mr. Reese replied that he would like to see ages 16 to 35. Harold Woodruff questioned if a parking agreement is being worked out. Mr. Reese indicated that he is working with a neighbor on getting that completed. He added that he has concern with vandalism so security will be sweeping the parking lot during events.

Michael Teuscher stated that he is a neighbor across the street from this building. He indicated that his company is a very professional office and he is concerned with a dance club across the street. Mr. Teuscher explained that his company was purchased and built on the premise that he would be surrounded by an office and warehouse community and added that this area has not been planned or designed around a club atmosphere. He also explained that security lighting for parking on site is an issue and a possible result of this will be many people using his parking lot instead. He indicated that this brings concerns for graffiti and excessive cost for parking lot repair. Mr. Teuscher indicated that there are times of the year where employees work till one in the morning and important professional meetings go very late as well. He stated that a congregation at an entertainment facility draws car thieves and other types of issues that the Police Station shouldn't have to worry about on top of everything they are already busy with. He concluded that he has concerns with rave parties and the drug element that comes with that as well as public urination outside the property.

Marty Reese stated that he is concerned with vandalism and garbage as well which is why he will have security performing regular sweeps. He added that there will be no raves because he is against that as well. Jack Matheson asked where the entrance to the building is. Mr. Reese replied that it is on the north side. Phil Conder asked when the business will be open. Mr. Reese responded that it will run from Thursday night to Saturday night.

Bill Apgood expressed concern about the accuracy of a security sweep. He added that his business is in a manufacturing zoning and that is the type of use that should be there because that is the type of use his company invested in.

William Walpole added that a sweep will focus on the applicants lot but not on that of the neighbors. He also stated that employees working until one in the morning won't be able to concentrate with a club across the street.

Phil Conder stated that he would feel more comfortable adding a definite 12 am closing time. Jack Matheson stated that most people will likely come from or go to Redwood Road before or after an event and questioned how people will know where

to park if no off site signage is allowed. Jody stated that directional signs are permitted. Terri Mills stated that she would like to know how parking is met and doesn't feel comfortable approving this until that portion of the conditional use is provided. She also questioned whether this use will effect garbage pick up.

Bill Apgood asked if any lighting will be required for the parking lot. Jody replied that the applicant will need to meet the requirements in the ordinance. Mr. Apgood indicated that since the use is changing so drastically, a different lighting plan should be provided. Jody answered that lighting doesn't depend on the use, it depends on the zone.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Matheson moved for continuance to allow staff the opportunity to provide pictures of the site and further information on the parking lot.

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous -C-18-2009– Approved**

**PLANNING COMISSION BUSINESS**

Approval of minutes from June 24, 2009 (Regular Meeting) **Approved**

There being no further business, the meeting adjourned at 5:23 p.m.

Respectfully submitted,

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Nichole Camac, Administrative Assistant